

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
SECOND REGULAR SESSION
12th Legislative Day
Thursday, February 11, 2016

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Kevin Bellinger, Bethel Alliance Church.

National Anthem by Catherine McAuley High School Choir, Portland.

Pledge of Allegiance.

Doctor of the day, Hani Jarawan, M.D., Portland.

The Journal of Tuesday, February 9, 2016 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 445)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 9, 2016

Honorable Michael D. Thibodeau

President of the Senate

Honorable Mark W. Eves

Speaker of the House

State House

Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Please accept this letter as the report of the findings of the Joint Standing Committee on Inland Fisheries and Wildlife from its review and evaluation of the Department of Inland Fisheries and Wildlife under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Department of Inland Fisheries and Wildlife is operating within its statutory authority.

Sincerely,

S/Senator Paul T. Davis, Sr.

Senate Chair

S/Representative Robert S. Duchesne

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 446)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

February 9, 2016

Honorable Michael D. Thibodeau

President of the Senate

Honorable Mark W. Eves

Speaker of the House

State House

Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Please accept this letter as the report of the findings of the Joint Standing Committee on Transportation from its review and evaluation of the Department of the Secretary of State, Bureau of Motor Vehicles under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

Pursuant to the requirements of the Act, the Joint Standing Committee on Transportation notified the Bureau of Motor Vehicles by letter of its intent to review the bureau on May 27, 2015. The Bureau of Motor Vehicles submitted its Program

Evaluation Report on November 1, 2015 and presented the report to the committee on January 14, 2016.

The committee unanimously finds that the Bureau of Motor Vehicles is operating within its statutory authority.

Sincerely,

S/Ronald F. Collins

Senate Chair

S/Andrew J. McLean

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 735)

MAINE SENATE

127TH LEGISLATURE

OFFICE OF THE SECRETARY

February 9, 2016

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 127th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Michelle S. Ames of Portland for appointment to the School Board of the Governor Baxter School for the Deaf.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Samantha J. Hebert of Windham for appointment to the School Board of the Governor Baxter School for the Deaf.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Frances R. Frost of Portland for reappointment to the School Board of the Governor Baxter School for the Deaf.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Roxanne Baker of Cape Elizabeth for reappointment to the School Board of the Governor Baxter School for the Deaf.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of John G. Shattuck of Newcastle for appointment to the School Board of the Governor Baxter School for the Deaf.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Laurel A. Kelly of Dixmont for appointment to the School Board of the Governor Baxter School for the Deaf.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Larry G. Mitchell of Winslow for reappointment to the Finance Authority of Maine.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Jonathan A. Block, Esq. of Portland for reappointment to the Finance Authority of Maine.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Speaker EVES of North Berwick, the following Joint Resolution: (H.P. 1078) (Cosponsored by President THIBODEAU of Waldo)

JOINT RESOLUTION RECOGNIZING FEBRUARY AS 2-1-1 MAINE MONTH

WHEREAS, 2-1-1 Maine is a comprehensive statewide directory of over 8,000 health and human services available in the State; and

WHEREAS, in order to promote the 2-1-1 Maine health and human services and emergency preparedness hotline, which helps Maine citizens get access to needed resources, we recognize February 2016 as 2-1-1 Maine Month; and

WHEREAS, 2-1-1 Maine helps to identify existing gaps in health and human services; and

WHEREAS, throughout the State, 2-1-1 Maine provides around-the-clock service through efficient and effective responses to questions arising from the growing complexities and needs in health, socioeconomic and human services; and

WHEREAS, 2-1-1 Maine provides emergency operations during times of natural and other disasters, including providing accurate and timely information for preparations and longer-term referrals for follow-up services, and valuable information for community planning and for future matching of resources and unmet needs; and

WHEREAS, 2-1-1 Maine directs Mainers to heating and utility assistance services that help prevent people from contacting the wrong agency for a federal Low-income Home Energy Assistance Program benefit, help prevent utility shutoffs and save people from spending winter nights without fuel assistance; and

WHEREAS, 2-1-1 Maine offers a number of specialized services, including the gambling helpline and assisting the Department of Health and Human Services, Maine Center for Disease Control and Prevention with H1N1 influenza calls, and is also a resource for finding information about services such as tax preparation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize February 2016 as 2-1-1 Maine Month.

READ.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Jorgensen.

Representative **JORGENSEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, 2-1-1 is a quiet program that punches way above its weight and I just want to just point out the fact that they quietly connect people of Maine with services all across the state. This is their 10th anniversary and they began in Cumberland and Washington Counties back in 2006. They went statewide in July of that year and they've now taken over 600,000 calls from residents of Maine offering help for services from heating assistance, food and shelter, mental health, substance abuse, and other things. They're available 24 hours a day and they operate 365 days a year.

I also just wanted to point out that they've worked very much with the Maine Emergency Management Agency during various state emergencies, whether it's hurricanes or storms or floods, they've been there. So, really, I just want to congratulate them on this important anniversary. I want everyone in this House to know of the important services they provide. They're confidential and individuals can search for information on their website by going to 211maine.org.

And it's also, I just point out, a self-serving manner. It's a handy tool for State Representatives when asked for assistance

by their constituents. So, thank you very much, Mr. Speaker, and congratulations to 2-1-1 Maine.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 38)

ORDERED, that Representative Dillon Bates of Westbrook be excused January 28 and February 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative James J. Campbell, Sr. of Newfield be excused January 19, 21, 26 and 28; February 2 and 4 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused February 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donna R. Doore of Augusta be excused January 21 and 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Erin D. Herbig of Belfast be excused February 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Gary L. Hilliard of Belgrade be excused February 2 and 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard A. Pickett of Dixfield be excused January 28, February 2 and 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffrey K. Pierce of Dresden be excused February 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Karleton S. Ward of Dedham be excused February 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Stephen J. Wood of Greene be excused February 4 for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Nancy Marshall Communications, of Augusta, on the celebration of its 25th anniversary of doing business. Established in 1991, Nancy Marshall Communications has helped hundreds of clients in Maine and beyond, handling public relations and marketing for numerous companies and organizations. We extend our congratulations to Nancy Marshall Communications on this anniversary and send our best wishes for continued success;

(SLS 903)

On **OBJECTION** of Representative GROHMAN of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative **GROHMAN**: Thank you, Mr. Speaker, I'd just like to call attention to Nancy Marshall and Nancy Marshall Communications. They did a really great job for my business in launching and making the CorrectDeck brand national, and now the DuraLife brand, which follows on that.

Twenty-five years in business, 14 employees. Nancy told me that she recruited her latest employee all the way from Michigan. A real expert in personal branding. They have a plan called "The Marshall Plan," if you'd like to kick off your own personal branding effort. So, thank you for the opportunity to recognize Nancy.

The SPEAKER: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker, I, too, want to rise and congratulate Nancy Marshall and the communications company she's developed. As Representative Grohman mentioned, 25 years is a long time to be in business and we want to recognize that. We also want to recognize that she has chosen to call the Carrabassett Valley home, an area that I represent. And we're proud that she calls Carrabassett Valley home in the high peaks region of Maine and we wish to thank her and express our deep gratitude. Thank you.

Subsequently, the Sentiment was **PASSED** in concurrence.

Recognizing:

Now You're Cooking, of Bath, which has been named the Small Business of the Year by the Southern Midcoast Maine Chamber of Commerce. The recognition is based on the recipient's business growth and improvement, good financial health, quality of customer service, staying power, overall excellence in the marketplace and community contributions. We extend to everyone at Now You're Cooking our congratulations and best wishes;

(HLS 1017)

Presented by Representative DeCHANT of Bath.

Cosponsored by Senator BAKER of Sagadahoc.

On **OBJECTION** of Representative DeCHANT of Bath, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this legislative sentiment has been about 16 years in the making. Sixteen years ago, we purchased our house on Middle Street, and of course, as our first home, we considered that every home had to have a lobster pot and accessories. So we went downtown to Front and Center to Now You're Cooking, a tiny, quaint, little cooking store and met both of the owners.

We didn't know at the time that it was just about a month or two after they had opened and Betsy Fear showed us the different types of lobster pots and talked through the different accessories. Mike Fear got on a ladder and pulled down the lobster pot that, of course, I decided on that was on the farthest reach of the shelf. Since then, we have watched the Now You're Cooking expand from a third of the storefront to two-thirds to the entire block on Front and Center. They have 3,000 square foot of retail space. They employ 20 people, four of which have been with them for over a decade. They have 18,000 products. And, Mr. Speaker, they have a 50-foot wall of gadgets.

So, this is only about half of the story. The other half of the story, of course, is that they advertise. You may have seen Mike Fear on television with his signature bow tie and his iconic "Crikey." They also run retail out of, of course, the store front, online, at acooksemporium.com, and through direct mail. The other part of this story, of course, are the owners, Betsy and Mike. They have raised their sons in Bath. They are committed and involved in the community in a variety of ways. Through their direct leadership, they contribute to 200 different nonprofits in our community.

So, the next time, Mr. Speaker, that you find yourself on Route 1, or anyone here in the chamber, I encourage you to choose the historic downtown Bath exit, go down to Front and Center, and whether you are a foodie, a gadget geek, or just simply have a kitchen, go and visit Now You're Cooking because I'm sure that you'll agree and also applaud that they were chosen Small Business of the Year by the Southern Maine Chamber of Commerce. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen, I just wanted to add I have been to that store many times, but for me, it is an iconic place because I love to go to the Evening Star Cinema, which is the funkiest movie theater in Maine, probably, and they always start with a bunch of homemade, kind of, advertisements. And my favorite is always Now You're Cooking. It is just so Maine and so authentic and so unaffected by materialism. It's just about Maine and good cooking and good pots and pans. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

Under suspension of the rules, members were allowed to remove their jackets.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 562) (L.D. 1461) Bill "An Act To Allow All Manufacturers Licensed by the Bureau of Alcoholic Beverages and Lottery Operations To Provide Samples of Products to Retail Licensees" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-353)**

(H.P. 1058) (L.D. 1555) Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 124) (L.D. 166) Bill "An Act To Allow York County To Better Provide Rescue and Ambulance Services" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-513)**

(H.P. 690) (L.D. 995) Bill "An Act To Amend the Laws Governing Participating Local Districts in the Maine Public Employees Retirement System" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-514)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 567) (L.D. 1469) Bill "An Act To Promote Private Fund-raising for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf"

(H.P. 999) (L.D. 1458) Resolve, Regarding Legislative Review of Chapter 30: Prior Approval Process and Stop Work Orders, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry (EMERGENCY)

(H.P. 1028) (L.D. 1505) Bill "An Act To Facilitate Student Loan Repayment by Allowing Graduates To Claim Educational Opportunity Tax Credits on Eligible Portions of Consolidated Loans" (EMERGENCY) (C. "A" H-512)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Revise the Charter of the Rumford Water District"

(S.P. 580) (L.D. 1482)

(C. "A" S-347; S. "A" S-349)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

ENACTORS

Emergency Measure

An Act To Provide for the 2016 and 2017 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 572) (L.D. 1474)

(C. "A" S-348)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 9, 2016, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Ensure Nondiscrimination against Gun Owners in Public Housing"

(S.P. 620) (L.D. 1572)

- In Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

TABLED - February 2, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - Motion of Speaker EVES of North Berwick to **REFER** to the Committee on **JUDICIARY**. (Roll Call Ordered)

The SPEAKER: A roll call having been previously ordered, the pending question before the House is to Refer the Bill to the Committee on Judiciary. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 475

YEA - Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Evangelos, Farnsworth, Fecteau, Fowle, Frey,

Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Pierce T, Powers, Rotundo, Rykerson, Sanborn, Saucier, Schneck, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

NAY - Alley, Austin, Battle, Bickford, Black, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hobbins, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, Martin J, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Russell, Sanderson, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Vachon, Verow, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Beck, Buckland, Dunphy M, Sawicki, Stuckey, Sukeforth, Turner, Winsor.

Yes, 69; No, 74; Absent, 8; Excused, 0.

69 having voted in the affirmative and 74 voted in the negative, with 8 being absent, and accordingly the motion to **REFER** the Bill to the Committee on **JUDICIARY FAILED**.

Subsequently, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 635)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 16, 2016 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Pursuant to House Rule 201.1.H, the Speaker appointed Representative McCABE of Skowhegan to serve as Speaker Pro Tem when the House convenes on Tuesday, February 16, 2016 at 10:00 a.m.

SENATE PAPERS

Bill "An Act Regarding the Educational Opportunity Tax Credit"

(S.P. 634) (L.D. 1587)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative ESPLING of New Gloucester, the House adjourned at 11:10 a.m., until 10:00 a.m., Tuesday, February 16, 2016, pursuant to the Joint Order (S.P. 635).